

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

Scott Andrew Morrison,

No. 2:23-cv-00559-KJM-EFB (HC)

Petitioner,

ORDER

V.

Steven Acquisto,

Respondent.

Petitioner, a state prisoner proceeding pro se, petitioned for writ of habeas corpus under 28 U.S.C. § 2254. On July 21, 2023, the court adopted the magistrate judge's findings and recommendations, F&R, ECF No. 6, and dismissed the case because petitioner's direct appeal of the judgment of conviction was still pending in state court and, as a result, he was not entitled to relief in federal district court. Order (July 25, 2023), ECF No. 8.

Petitioner presents no appropriate justification for reopening this matter. *See* Fed. R. Civ. P. 60(b) (enumerating grounds for relief from judgment). Petitioner raises vague claims regarding “jeopardy and double jeopardy” and claims he is “not guilty on both counts.” Request at 2, ECF No. 10. He also requests the court appoint him an attorney. *Id.* Petitioner does not include information regarding his state court case, and a review of the docket for the case shows the judgment was affirmed and remittitur issued. *See* ECF No. 1 at 1–2 (referencing

1 case number C097455). The court finds no cognizable relief it can grant and, in turn, also
2 declines to appoint petitioner an attorney. The court **denies** petitioner's request.

3 This order resolves ECF No. 10.

4 IT IS SO ORDERED.

5 DATED: April 2, 2024.

6 
CHIEF UNITED STATES DISTRICT JUDGE